

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Dwight Marcus	:	Art Unit: 3622
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Serial No: 09/896,838	:	Examiner: Michael Bekerman
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	:	
For: METHOD AND APPARATUS	:	Docket No. NPOWR-3-US
FOR VERIFYING REVIEW AND		
COMPREHENSION OF		
INFORMATION		

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE**

Response to the Office Action mailed August 20, 2007 is timely due February 20, 2008, in view of the petition for three-month extension of time and fee therefor filed herewith. Accordingly, this paper is deemed to be timely filed. Should there be any fees due and owing with respect to this paper, the Office is authorized to charge such fees to Deposit Account No. 50-3208. Reconsideration of the application in view of this Amendment is respectfully requested.

**Listing and Amendments to the Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

### **Listing and Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (CURRENTLY AMENDED) A method of verification of review of a provided information by an information consumer comprising:

providing said ~~provided~~ information having a plurality of signifiers inserted therein;

providing a signifier use instruction;

receiving an indication from the information consumer; and

determining whether the ~~the~~ [[an]] indication received from the information consumer demonstrates sufficient knowledge of said ~~first~~ signifiers in accordance with said signifier use instruction to provide an incentive to said information consumer.

2-147 (CANCELED).

148. (CURRENTLY AMENDED) The method of claim 1, wherein at least one of said plurality of signifiers does not have significance in connection with a meaning of said provided information.

149. (PREVIOUSLY PRESENTED) The method of claim 1, wherein said signifier use instruction comprises a conversion code for conversion of said signifiers to another type of information.

150. (PREVIOUSLY PRESENTED) The method of claim 149, wherein said another type of information comprises contact information for claiming the incentive.

151. (CURRENTLY AMENDED) A method of verifying review of information provided in text form on a topic by an information consumer, comprising:

providing said text form information having a plurality of text form signifiers inserted therein, said text form signifiers not pertaining to information on the topic;

receiving an indication from the information consumer; and

verifying the information consumer's review of the text form information by determining, based on the ~~the~~ [[an]] indication received from the information consumer, whether sufficient knowledge of the text form signifiers has been demonstrated by the information consumer, wherein the sufficient knowledge includes knowledge of signifiers in plural locations in the text form information.

152. (PREVIOUSLY PRESENTED) The method of claim 151, wherein the text form information has instructions for indicating knowledge of the signifier.

153. (PREVIOUSLY PRESENTED) The method of claim 151, wherein the text form information comprises instructional material relating to a product or service, and further comprising the step of, after said step of verification, if sufficient knowledge of the text form signifiers has been demonstrated, making available to the information customer support associated with the product or service in a first manner, wherein, if sufficient knowledge of the text form signifiers is not demonstrated, the customer support associated with the product or service is made available in a second manner.

154. (PREVIOUSLY PRESENTED) The method of claim 153, wherein the first manner is at a lower cost to the information consumer than the second manner.

155. (PREVIOUSLY PRESENTED) The method of claim 153, wherein the step of making available to the information customer support associated with the product or service in a first manner comprises disclosing a toll-free customer support number.

156. (PREVIOUSLY PRESENTED) The method of claim 151, wherein the text form information comprises medical instructions, and access to medication is provided responsive to verification of sufficient knowledge of the text form signifiers.

157. (PREVIOUSLY PRESENTED) The method of claim 151, wherein the step of verification comprises customer use of information embedded in the text form signifiers.

158. (WITHDRAWN) A method of verification of acquisition of each one of a group of non-unitary products, comprising the steps of:

providing each of said products in the group with a signifier;

providing at least one of the products in the group with a signifier use instruction;

and

verifying acquisition by comparing a received indication with an expected indication of the signifier provided on each of said products in accordance with the signifier use instruction.

159. (WITHDRAWN) The method of claim 158, wherein the group of non-unitary products comprises a set of tools.

160. (WITHDRAWN) The method of claim 158, wherein the signifier use instruction comprises an identification of signifiers.

161. (WITHDRAWN) The method of claim 158, wherein the signifier use instruction comprises instructions as to signifier positioning.

162. (WITHDRAWN) The method of claim 158, wherein the signifier use instruction comprises instructions as to signifier characteristics.

163. (NEW) The method of claim 151, wherein the signifiers are located throughout the text form information, and the text form information comprises an instruction manual.

## **Remarks/Arguments**

### **Status of Claims**

Claims 1 and 148-162 are pending.

Claims 158-162 stand withdrawn.

Claims 1 and 148-157 stand rejected.

Claims 1, 148 and 151 have been amended without prejudice or disclaimer.

Claim 163 is new.

### **Election/Restriction**

The Examiner has taken the position that claims 158-162 and the original claims are related as subcombinations disclosed as usable together in a single combination. The Examiner states that the subcombination of claims 158-162 has separate utility such as verifying the acquisition of non-unitary products. The Examiner states that since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. The Examiner states that claims 158-162 are accordingly withdrawn from consideration as being directed to a non-elected invention.

This restriction requirement is not traversed.

### **Rejection of Claims 148 and 151 under 35 USC 112, first paragraph, as failing to comply with the written description requirement.**

Claims 148 and 151 stand rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement.

As to claim 148, the Examiner states that the "at least one of said plurality of signifiers does not have significance in connection with the provided information" is not recited in the specification and is considered to be new matter.

The rejection of claim 148 is respectfully traversed.

The applicable standard for the written description requirement has been stated as: "to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she

was in possession of the invention, and that the invention, in that context, is whatever is now claimed." MPEP Section 2163.02. "The subject matter of the claim need not be described literally (i.e., using the same terms or in haec verba) in order for the disclosure to satisfy the description requirement." *Id.*

Claim 148 is a generic claim reciting that at least one of the plurality of signifiers does not have significance in connection with the provided information. It is well established that the written description requirement for a claimed genus may be satisfied through sufficient description of a representative number of species. MPEP Section 2163.05, I. Various examples are provided in the specification.

Page 24, lines 5-6: In one embodiment, a sequence of colors is included within a video program...

The colors do not have significance in connection with the information provided in the video program.

Page 22, lines 4-5: The signifiers are placed in a normally typeset sentence.

The signifiers do not have significance in connection with the information provided in the sentence.

As to claim 151, similarly, the text form signifiers not pertaining to information on the topic is disclosed. As noted above, on page 22, lines 4-5, the signifiers are placed in a normally typeset sentence.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claims 148 and 151 under Section 112, first paragraph, is respectfully solicited.

### **Rejection of Claim 153 under 35 USC 112, First Paragraph**

Claim 153 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner takes the position that the claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner notes the limitations "the text form information comprises instructional material relating to a product or service"

and "after said step of verification ... making available to the information customer support associated with the product or service in a first manner..." The Examiner states that according to the specification the consumer may read a product manual to obtain a toll-free customer service number. The Examiner states that there appears to be no step of verification in this embodiment. The Examiner states that if the consumer finds the toll-free number, then the product support is made available by calling the number without any verification required.

As described in the specification at page 26, lines 19-20, calling the toll-free number constitutes a step of verification. For at least this reason, the rejection of claim 153 under 35 U.S.C. 112, first paragraph, should be withdrawn.

**Rejection of Claims 1, 148, 151 and 152 under 35 U.S.C. 112, Second Paragraph.**

As to claim 1, the Examiner states that the limitation "providing said provided information" is unclear.

As to claim 1, the Examiner states that there is insufficient antecedent basis for the limitation "said first signifiers."

In response, claim 1 has been amended without prejudice or disclaimer. The term "provided information" has been changed to --information--, and the term "said first signifiers" has been changed to --said signifiers--. Accordingly, the rejection of claim 1 under Section 112, second paragraph has been overcome.

As to claim 148, the Examiner states that this claim recites the limitation "at least one of said plurality of signifiers does not have significance in connection with said provided information." The Examiner states that claim 1 recites "providing said provided information having a plurality of signifiers inserted therein." The Examiner states that if the signifiers are inserted in the provided information, the association appears to be rather significant. The Examiner is unclear as to how a signifier could have no significance to the provided information when the signifier is "significantly inserted" into the provided information.

Claim 148 has been amended without prejudice in response to recite that the signifier does not have significance with respect to a meaning of the provided

information. Specification support is found, for example, at page 7, lines 12-19, which discusses signifiers that may be colors of particular shapes.

As to claim 151, the Examiner notes the limitation "said text form signifiers not pertaining to information on the topic." The Examiner states that the claim also recites "text form information having a plurality of text form signifiers inserted therein. The Examiner states that if text form signifiers are inserted in the text form information, this association would appear to pertain to the topic of the text form information. The Examiner states that it is unclear how text form information may contain instructions for indicating knowledge of signifiers that are supposed to have nothing to do with the text form information in the first place.

The rejection is respectfully traversed. The fact that a signifier is inserted in text form information does not imply that the signifier pertains to information on the topic of the text form information. Rather, the signifier may contain no information on the topic of the text form information. An example of such a text form signifier is given in the specification, at page 22, lines 9-14 as "This sentence contains the signifier word "angry", please copy down the letter at the end of this word." This signifier does not provide information on the topic of the text form information, and indeed can be inserted in text form information on any topic.

For the foregoing reasons, the rejection of claim 151 should be withdrawn.

As to claim 152, the Examiner states that the claim recites the limitation "the text form information has instructions for indicating knowledge of the signifier." The Examiner states that this appears to be a topic of the text form information. The Examiner states that claim 151 from which this claim depends recites the limitation "said text form signifiers not pertaining to information on the topic." The Examiner states that it is unclear how text form information may contain instructions for indicating knowledge of signifiers that are supposed to have nothing to do with the text form information in the first place.

This rejection is respectfully traversed. Instructions for indicating knowledge of the signifier, as recited in claim 151, are distinct from a topic of the text form information. The user reviews the text form information for information on the topic. The signifier

and associated instructions are not the topic of the text form information, but serve as a tool for the purpose of verifying comprehension.

For at least the foregoing reasons, the Section 112, Paragraph 2 rejection of claim 152 should be withdrawn.

**Rejection of claims 1 and 151 under 35 U.S.C. 112, Second Paragraph.**

Claims 1 and 151 stand rejected on the grounds that the claims fail to recite an actively claimed step of receiving an indication.

Claims 1 and 151 have been amended to recite an actively claimed step of receiving an indication. The step of receiving is at least inherent in the disclosure.

Accordingly, this ground of rejection has been overcome.

**Rejection of claims 1 and 148-150 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,236,200 (McGregor).**

Claims 1 and 148-150 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,236,200 (McGregor).

As to claim 1, the rejection is respectfully traversed on the grounds that McGregor fails to disclose or render obvious at least the following steps of amended claim 1:

receiving an indication from the information consumer; and

determining whether the indication received from the information consumer demonstrates sufficient knowledge of said signifiers in accordance with said signifier use instruction to provide an incentive to said information consumer.

In contrast, the method of McGregor is summarized at col. 6, lines 12-17, as follows:

In turn, the gift recipient, who is referred to herein as the seeker thereof, simply follows the clues contained on the front side of each dispensable element. The gift, or treasure, readily is found, much to the pleasure of hider and seeker, much to the joy of giver and receiver.



There is no step of receiving an indication from an information consumer, and no step of determining. Rather, the recipient of the card of McGregor simply follows the clues to obtain a treasure.

Furthermore, the Examiner has not identified either a receiving step or a determining step in McGregor.

For at least the foregoing reason, the rejection of claim 1 in view of McGregor should be withdrawn.

The rejection of claims 148-150 should be withdrawn at least by virtue of the dependence of these claims from base claim 1.

**Rejection of Claims 151-155 under 35 U.S.C. 102(a) as being anticipated by Sony Owner's Manual, Sony Video Cassette Recorder Model SLV-662HF, 1999.**

Claims 151-155 stand rejected under 35 U.S.C. 102(a) as being anticipated by Sony Owner's Manual, Sony Video Cassette Recorder Model SLV-662HF, 1999 ("Sony").

Claim 151 has been amended, without prejudice or disclaimer, to add the limitation --wherein the sufficient knowledge includes knowledge of signifiers in plural locations in the text form information--. Disclosure support is found, for example, at page 26, lines 15-20.

The rejection of claim 151 is respectfully traversed for at least the reason that Sony fails to disclose the steps of:

verifying the information consumer's review of the text form information by determining, based on the indication received from the information consumer, whether sufficient knowledge of the text form signifiers has been demonstrated by the information consumer, wherein the sufficient knowledge includes knowledge of signifiers in plural locations in the text form information

Sony does not disclose that a step of verifying sufficient knowledge include a requirement that the sufficient knowledge include knowledge of signifiers in plural locations in the text form information. Moreover, one of ordinary skill in the art would not find it obvious to modify Sony in this manner. Indeed, Sony discloses, at a single location in the text, a telephone number, a mailing address, and a web address. By

requiring that the sufficient knowledge include knowledge of signifiers in plural locations in the text form information, the method of claim 151 may advantageously require the user to review multiple locations in the text form information.

For at least the foregoing reasons, the rejection of claim 151 should be withdrawn.

The rejections of claims 153 -155 under Section 102(a) as anticipated by Sony should be withdrawn at least by virtue of the dependence of these claims from base claim 151.

**Rejection of Claims 151, 156 and 157 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 3,926,325 (Benson).**

Claims 151, 156 and 157 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 3,926,325 (Benson).

The rejection is respectfully traversed.

Amended claim 151 includes the limitations:

providing said text form information having a plurality of text form signifiers inserted therein, said text form signifiers not pertaining to information on the topic;

receiving an indication from the information consumer;

and

verifying the information consumer's review of the text form information by determining, based on the indication received from the information consumer, whether sufficient knowledge of the text form signifiers has been demonstrated by the information consumer, wherein the sufficient knowledge includes knowledge of signifiers in plural locations in the text form information

Benson fails to disclose text form signifiers not pertaining to information on the topic. Rather, Benson displays only information regarding the topic, i.e., the manners of opening the bottle. The Examiner's attempt to equate instructions with signifiers disregards the limitation "not pertaining to information on the topic." Clearly, in order for there to be both signifiers and a topic, there must be a topic, and then signifiers not conveying information regarding the topic. As the topic set forth in Benson is the

manner of opening the bottle, and there is no other text form information, there simply are no signifiers in Benson.

Furthermore, Benson fails to disclose the step of receiving an indication from an information consumer.

Moreover, as noted above, there are no signifiers whatever in Benson. Rather, there is information pertaining to the topic of opening the bottle in two locations. However, there are no signifiers in either indicated location, let alone in both locations, as required by claim 151.

For at least the foregoing reasons, the rejection of claim 151 as anticipated by Benson should be withdrawn.

The rejection of claims 156-157 should be withdrawn at least by virtue of the dependence of those claims from claim 151.

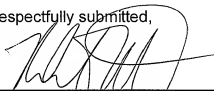
#### **New Claim 163**

New claim 163 depends from claim 151 and further recites that the signifiers are located throughout the text form information, and the text form information comprises an instruction manual. Disclosure support is found, for example, at page 26, lines 15-20. Nothing in the cited art discloses or renders obvious the invention as recited in new claim 163.

**CONCLUSION**

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and these remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,



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